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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/325,423

Applicant(s)

ALI ET AL.

Examiner

Joseph T Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,16-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14,16-20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 16, 23, and 24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 16, and 23-24 recites the newly added limitation of Caller ID information "service provided by a telephone company". The grammar is unclear and confusing as it is read not as Caller ID information but now as a "Caller ID information service" which are distinct from each other and makes the claims indefinite in addition to antecedent basis issues with dependent limitations. Examiner suggested in the prior office action to revise "Caller ID information" to better define the phrase such as "*Caller ID information, which is provided by a telephone company via a subscription service*". Appropriate clarification or correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under

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the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-14, 16-20, 22-25 rejected under 35 U.S.C. 102(e) as being anticipated by Tatchell, Patent #5,905,774.

Regarding claim 1, Tatchell teaches a notification module for a voice messaging system, comprising:

a Caller ID information detector/receiver to detect and receive Caller ID information service provided by a telephone company regarding incoming telephone calls(Fig.5a); an auto dialing calling module adapted to initiate a communication with a user at a remote location (Fig.1); a table associating particular events with a need for notification of said user(52 Fig.5a, 5b); and a controller to activate said auto dialing calling module to send a notification message to said user upon satisfaction of a particular event based on Caller ID information, wherein said satisfaction of said particular event is determined based on a comparison of one of more entries in said table to call related information contained in a log (Fig.1,col.10 lines 1-7,34-39, and col.12 line 65-col.13 line 39).

Regarding claims 3 and 4, Tatchell teaches the notification module for a voice messaging system according to claim 1, wherein:
said particular events include a occurrence of a predetermined number of telephone calls within a range of time from a particular caller (col.16 lines 41-51).

Regarding claim 5, Tatchell teaches the notification module for a voice messaging system according to claim 1, wherein:

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said particular events include a predetermined number of telephone calls from any party within a predetermined range of time (col.16 lines 41-51 and col.20 lines 31-37).

Regarding claims 6 and 7, Tatchell teaches the notification module for a voice messaging system according to claim 1, further comprising:
an audible notification message to be communicated to said remote user (col.20 lines 1-23; ring or call waiting tone is audible).

Regarding claim 8, Tatchell teaches the notification module for a voice messaging system according to claim 6, wherein: said notification message is a textual message (col.21 lines 1-20).

Regarding claims 9 and 10, Tatchell teaches the notification module for a voice messaging system according to claim 1, further comprising:
a remote notification designation identifying a telephone number/communication address of said remote user (col.20 lines 31-37).

Regarding claim 11, Tatchell teaches the notification module for a voice messaging system according to claim 10, wherein:
said communication is provided by establishment of a telephone call (col.10 lines 1-7,34-39, and col.12 line 65-col.13 line 39).

Regarding claim 12, Tatchell teaches the notification module for a voice messaging system according to claim 10, wherein: said communication includes transmission of information over the Internet (Fig.1).

Regarding claim 13, Tatchell teaches the notification module for a voice messaging system according to claim 10, wherein:

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said communication is an email message (col.10 lines 1-7,34-39, and col.12 line 65-col.13 line 39; voicemail is interpreted as email)

Regarding claim 14, Tatchell teaches the notification module for a voice messaging system according to claim 10, wherein:

said voice messaging system is a telephone answering device (col.10 lines 1-7,34-39, and col.12 line 65-col.13 line 39).

Regarding claim 16, Tatchell teaches a method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls, comprising:

logging a plurality of entries of Caller ID information service provided by a telephone company as it is received by said voice messaging system (col.16 lines 36-52).

after said plurality of entries of Caller ID information have been received, reviewing said plurality of entries of logged Caller ID information for satisfaction of a predetermined event by one or more of said incoming calls based on said logged Caller ID information and calling a remote user with a notification message in response to satisfaction of said predetermined event (*col.17 lines 35-43 and col.16 lines 44-52; a remote user is notified by a message*).

Regarding claims 17 and 18, Tatchell teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

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said remote user is notified by the establishment of a telephone call from said voice message system (col.17 lines 35-43 and col.16 lines 44-52).

Regarding claim 19, Tatchell teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein: said remote user is notified with a textual notification message (col.10 lines 1-7,34-39, and col.12 line 65-col.13 line 39).

Regarding claim 20, Tatchell teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

said textual notification message is an email message (col.10 lines 1-7,34-39, and col.12 line 65-col.13 line 39; voicemail is interpreted as email)

Regarding claim 22, Tatchell teaches the method for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls according to claim 16, wherein:

said voice messaging system is a telephone answering device (Fig.1, and col.10 lines 1-7,34-39, and col.12 line 65-col.13 line 39).

Regarding claim 23, Tatchell teaches an Apparatus for notifying a user of a voice messaging system or other designated party upon satisfaction of a predetermined event based on logged call related information regarding incoming calls, comprising:

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means for logging a plurality of entries of Caller ID information service provided by a telephone company as it is received by said voice messaging system(Fig.1, *col.17 lines 35-43 and col.16 lines 44-52*);

means for reviewing, after said plurality of entries of Caller ID information have been received, said plurality of entries of logged Caller ID information for satisfaction of a predetermined event by one or more of said incoming calls based on said logged Caller ID information and means for notifying a remote user with a notification message in response to satisfaction of said predetermined event (Fig.1, and *col.17 lines 35-43 and col.16 lines 44-52*).

Regarding claim 24, Tatchell teaches a telephone answering device (50 Fig.1) comprising:

a Caller ID information detector/receiver to detect and receive Caller ID information service provided by a telephone company regarding incoming telephone calls, a controller and voice recorder/playback module (Fig.1, and *col.17 lines 35-43 and col.16 lines 44-52*); and

a calling module activated by receipt of predetermined Caller ID information, said calling module being adapted to initiate a telephone call to a predetermined notification telephone number upon satisfaction of a predetermined event based on received Caller ID information to notify a remote user with a notification message (Fig.1, and *col.17 lines 35-43 and col.16 lines 44-52*).

Regarding claim 25, Tatchell teaches the telephone answering device according to claim 24, wherein:

said calling module is further adapted to provide a notification message to a party

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answering said predetermined notification telephone number (Fig.1,col.10 lines 1-7,34-39, and col.12 line 65-col.13 line 39).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3-14, 16-20, 22-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP

January 6, 2005



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